IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 16TH NOVEMBER 2006 / 25TH KARTHIKA 1928

WP(C).No. 21269 of 2006(F)

PETITIONER:

P.L.JACOB, AGED 40 YEARS,
S/O.LONAPPAN, PADINJAKKARA VEEDU,
P.O.KUTTIKKADU, CHALAKUDY.

BY ADV. SRI.T.M.ABDUL LATHEEF
SMT.P.VIJAYALAKSHMI.

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE HOME SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. DIRECTOR, VIGILANCE AND ANTI CORRUPTION
BUREAU, THIRUVANANTHAPURAM.

3. T.K.SASI, CHIEF ENGINEER,
IRRIGATION DEPARTMENT, (UNDER SUSPENSION),
TIYAMPILLY VEEDU, MUSEUM CROSS LINE,
CHEMBUKAVU, THRISSUR-680 020.

4. T.R.SAILESAN, EXECUTIVE ENGINEER,
IRRIGATION DEPARTMENT-3, MOOVATTUPUZHA.

5. T.M.MANOHARAN, CHAIRMAN,
KERALA STATE ELECTRICITY BOARD,
VYDHUTHI BHAVAN, THIRUVANANTHAPURAM.

6. K.J.MATHEW, PRINCIPAL SECRETARY,
IRRIGATION DEPARTMENT, THIRUVANANTHAPURAM.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
R1 & R2 BY GOVERNMENT PLEADER MR.T.B.HOOD
DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.K.K.RAJEEV

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & S.SIRI JAGAN, J.

W.P.(C) No.21269 of 2006

Dated, this the 16th day of November, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

This writ has been filed by way of public interest litigation seeking investigation by Central Bureau of Investigation into the alleged illegal draining of water by Tamil Nadu inspite of the partition agreement between the two States. It is the case of the petitioner that Government of Kerala was always in action in protecting its water and even the body set up for controlling and regulating the water supply and also to check up any illegal diversion of water is headed by an official who was held for corruption charges. As per the agreement the Chief Engineer of the Kerala State Electricity Board should also be a member and one Radhakrishnan who was a member was kept out solely for the reason that he was not conniving with the Chief Engineer, Irrigation. Several items appeared in the newspapers, but nothing moved the Government. The petitioner states that many doubts have been raised and in such a situation things can

be cleared only by a CBI investigation or enquiry. Petitioner filed an earlier writ petition bearing No.7604 of 2006 which was permitted to be withdrawn for seeking appropriate remedy. The petitioner thereafter approached the Vigilance Enquiry Commissioner and Special Judge, Thiruvananthapuram and the said Court directed the petitioner to file a complaint before the concerned court having jurisdiction. Petitioner thus filed Exts. P7 and P9 complaints before the Enquiry Commissioner and Special Judge, Thrissur. Inspite of the lapse of three months, the case of the petitioner is that, no serious action has been taken. It is in these circumstances that the petitioner has approached this Court for the reliefs indicated above.

2. Pursuant to the notice issued by this Court the respondents have entered appearance and filed counter affidavit. It has been pleaded in the statement filed by the Government Pleader that the order of vigilance enquiry against respondents 3 and 4 received at Vigilance and Anti Corruption Bureau, Special Investigation Unit on 25.7.2006 and against respondents 5 and 6 on 16.8.2006. The enquiry has just commenced and is only in the initial stage. It is then pleaded that the site inspection of 65

places, questioning of witnesses and examination of voluminous documents are involved which would take time.

3. From the statement filed by the Government Pleader it appears that the grievance of the petitioner has already been redressed. Enquiry is indeed being conducted even though by the Vigilance and Anti Corruption Bureau, Special Investigation Unit. No further order needs to be issued in this case, but for to observe that the respondents would try to expedite the enquiry.

Writ petition is disposed of accordingly.

V.K. BALI,
CHIEF JUSTICE.

S.SIRI JAGAN,
JUDGE.

vns